

### Remarks

In response to the Final Office Action mailed August 29, 2006, the Applicants respectfully request reconsideration of the rejections and that the case pass to issue in light of the remarks below. The Examiner is kindly thanked for the allowance of claims 5-15, 18, and 20.


Claims 1-2, 17, and 19 stand rejected. Claims 1, 2, 17, and 19 are rejected under 35 U.S.C. § 102(e) as being anticipated by USPA 2004/0256718 to Chandler and claims 3-4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Chandler reference in view of Advance Failure Modes and Effect Analysis of Complex Processes by Kmenta et al.

The primary reference relied upon by the Examiner, the Chandler reference, is entitled to the benefit of a June 18, 2003 filing date. As noted in the attached declaration, the Applicants conceived of their invention prior to the June 18, 2003 filing date of the Chandler reference and diligently reduce their invention to practice thereafter. The Applicant's respectfully submit that the attached declaration renders the Chandler patent unsuitable for rejecting the pending claims. Because the secondary reference cited to by the Examiner fails to make up for the loss of the Chandler reference as an available reference, the Applicant's respectfully submit that the foregoing rejections are obviated in light of the attached declaration.

This After Final response includes Appendix A and Appendix B which illustrate conception and reduction to practice prior to the filing date of June 15, 2003 of *Chandler*. All of the named inventors have executed the Declaration Under 37 C.F.R. § 1.131 to show conception and reduction to practice.

In view of the foregoing, the Applicants respectfully submit that each rejection has been fully replied to and traversed and that the case is in condition to pass to issue. The Examiner is respectfully requested to pass the case to issue and is invited to contact the undersigned if it would further prosecution of the case to issue.

Respectfully submitted,  
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